

Message Text

LIMITED OFFICIAL USE

PAGE 01 CANBER 05109 01 OF 03 290726Z
ACTION JUSE-00

INFO OCT-01 EA-10 ISO-00 /011 W
-----083898 291723Z /14
R 290507Z JUN 78
FM AMEMBASSY CANBERRA
TO SECSTATE WASHDC 3670

LIMITED OFFICIAL USE SECTION 1 OF 3 CANBERRA 5109

EA/ANZ PLEASE PASS TO J. MICHAEL KELLY, COUNSEL TO
ATTORNEY GENERAL BELL

E.O. 11652: N/A
TAGS: OVIP (GRIFFIN BELL)
SUBJECT: VISIT TO AUSTRALIA BY THE ATTORNEY GENERAL - PROPOSED
SYDNEY SCHEDULE FOR MR. KELLY

REF: CANBERRA 3931

1. SUMMARY: AFTER DISCUSSIONS WITH VARIOUS INDIVIDUALS
ABOUT MR. KELLY'S SCHEDULE FOR SYDNEY, JOE BOERNER (AM
CONGEN/SYDNEY) RECOMMENDS A FEW CHANGES. INFORMATION ON
LEGAL INSTITUTIONS IS ALSO SET FORTH FOR MR. KELLY'S
BACKGROUND. END SUMMARY.

2. JOE BOERNER HAS HAD A NUMBER OF DISCUSSIONS ABOUT
MR. KELLY'S SCHEDULE WITH THE PEOPLE WHO MR. KELLY WILL
BE MEETING IN SYDNEY. HE HAS TENTATIVELY ARRANGED A
SCHEDULE WHICH WOULD PERMIT MR. KELLY TO SEE LEGAL PRACTICE
INSTITUTES AND RESEARCH INSTITUTES ON MONDAY, JULY 17
AND TO MEET WITH THE HARVARD CLUB AND THE YOUNG LAWYERS
ON TUESDAY, JULY 18. WOULD APPRECIATE CONFIRMATION OF THE
MODIFICATIONS MADE TO THE SCHEDULE IN REFTEL AND THE
APPOINTMENTS SET FORTH HEREIN. PROPOSED SCHEDULE FOLLOWS:

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 CANBER 05109 01 OF 03 290726Z

3. IN ACCORDANCE WITH PARA 2 OF REFTEL, SUGGEST THAT
MR AND MRS KELLY COME TO SYDNEY ON JULY 13 OR 14. MR.
AND MRS. BORRNER AND MR. KELLY'S FRIEND, ROD MCGEOGH AND
HIS WIFE (HE IS NEWLY MARRIED) WOULD LIKE TO SHOW THEM
SYDNEY AND TO HAVE DINNER TOGETHER. THIS EARLY TRIP TO
SYDNEY IS NECESSARY IF MR. KELLY IS TO MEET WITH MR.
MCGEOGH BECAUSE MR. MCGEOGH LEAVES ON SATURDAY, JULY 15

FOR THE UNITED STATES. FYI - HE WILL BE ATTENDING THE ABA CONVENTION IN NEW YORK CITY FROM AUG 3 TO 9, STAYING AT THE PLAZA, AND WOULD LIKE TO SEE MR. KELLY THEN ALSO.

4. MR AND MRS KELLY COULD RETURN TO CANBERRA ON FRIDAY, JULY 14, OR SATURDAY, JULY 15.

5. FOR MONDAY, JULY 17, HAVE ARRANGED FOLLOWING TENTATIVE SCHEDULE: MORNING VISIT WITH JOE BOERNER TO SYDNEY UNIVERSITY LAW SCHOOL. MEET WITH DEAN AND PERHAPS TALK TO SMALL GROUP X FACULTY OR STUDENTS ON THE AMERICAN APPROACH TO LAW SCHOOL EDUCATION. BOERNER WOULD PARTICIPATE IF DESIRED, THIS VISIT CAN BE EASILY CANCELLED IF MR. KELLY DESIRES FREE MORNING. NOON LUNCHEON WITH MR. RUSSELL STEWARD, DIRECTOR OF THE NSW COLLEGE OF LAW AND MEMBERS OF THE FACULTY, FOLLOWED BY TOUR OF THE FACULTY. BOERNER WILL ACCOMPANY. THIS SHOULD BE HIGHLY INTERESTING VISIT TO THIS PRACTICING LAW INSTITUTE (SEE PARA 10 BELOW FOR DESCRIPTION OF ITS FUNCTIONS). MID-AFTERNOON VISIT TO MEET WITH MR. TERRY PURCELL, DIRECTOR OF THE LAW FOUNDATION OF NSW. THIS INSTITUTION SEES ITSELF AS HAVING CATALYTIC ROLE IN GETTING THINGS MOVING REGARDING THE PROFESSIONAL CAPABILITIES AND COMPETENCE OF ATTORNEYS. SEE DESCRIPTION OF FUNCTIONS BELOW. MR. PURCELL, INCIDENTALLY VISITS THE U.S. REGULARLY AND IS PARTICULARLY INTERESTED IN LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 CANBER 05109 01 OF 03 290726Z

OUR LEAA AND NAT'L INSTITUTE OF JUSTICE APPROACHES. EVENING FREE OR MR. KELLY MAY DESIRE TO ATTEND INFORMAL DINNER WITH ATTORNEY GENERAL BELL THAT NIGHT. NOTE THAT MONDAY SCHEDULE WOULD PRECLUDE MR. KELLY FROM ATTENDING LAW COUNCIL LUNCHEON AT WHICH ATTORNEY GENERAL WOULD BE GIVING REMARKS ON U.S. TRADE PRACTICES REGULATION AND AUSTRALIAN TRADE. HOWEVER, WE BELIEVE THAT PROPOSED SCHEDULE FOR MR. KELLY JUSTIFIES THIS DIVERGENCE.

6. FOR TUESDAY, JULY 18, MORNING IS FREE FOR SHOPPING AND SIGHTSEEING. NOON LUNCHEON WITH SYDNEY HARVARD CLUB. HOST IS MR. DAVID CLARK, DIRECTOR OF HILL SAMUEL MERCHANT BANKERS AND PRESIDENT OF THE SYDNEY HARVARD CLUB. NOTE THIS IS CHANGE FROM REFTEL SCHEDULE PARA. 4 WHICH HAD MONDAY MORNING BREAKFAST. MR. CLARK DOES NOT FEEL THAT HE COULD GET MUCH OF A TURNOUT FOR A BREAKFAST. THE SYDNEY HARVARD CLUB HAS ABOUT 150 MEMBERS IN SYDNEY, APPROXIMATELY 20 PERCENT OF WHOM ARE LAWYERS AND HALF OF WHOM ARE BUSINESSMEN. FOR THE LUNCHEON IT IS ANTICIPATED THAT 50 TO 75 WOULD ATTEND. MR. KELLY WOULD BE EXPECTED TO DELIVER SOME SHORT REMARKS ABOUT RECENT HAPPENINGS

AT HARVARD.

MEETING AT 4 PM FOR DRINKS AND SNACKS WITH THE NEW YOUNG LAWYERS COMMITTEE MEMBERS (ABOUT 8 PEOPLE). BOERNER WILL ACCOMPANY. MR. KERRY BRIAN, PRESIDENT OF THE NSW YOUNG LAWYERS WOULD BE HOST. AS NOTED ABOVE, MR. ROD MCGEOGH, NATIONAL PRESIDENT OF THE YOUNG LAWYERS, REGRETS THAT HE WILL HAVE ALREADY LEFT FOR THE U.S. NO FORMAL REMARKS EXPECTED BUT THEY ARE NATURALLY INTERESTED IN THE ACTIVITIES OF THE YOUNG LAWYERS SECTION OF THE ABA IN THE UNITED STATES. DINNER WITH BOERNERS, AND THREE OR FOUR COUPLES OF YOUNG LAWYERS OR LAW PROFESSORS.

LIMITED OFFICIAL USE

NNN

LIMITED OFFICIAL USE

PAGE 01 CANBER 05109 02 OF 03 290736Z
ACTION JUSE-00

INFO OCT-01 EA-10 ISO-00 /011 W
-----084026 291724Z /14

R 290507Z JUN 78
FM AMEMBASSY CANBERRA
TO SECSTATE WASHDC 3671

LIMITED OFFICIAL USE SECTION 2 OF 3 CANBERRA 5109

7. WEDNESDAY MORNING FLIGHT TO MELBOURNE.

8. MR. KELLY SHOULD FIND SYDNEY PROGRAM VERY INTERESTING. FOR BACKGROUND PURPOSES AS TO THE VARIOUS INSTITUTIONS HE WILL VISIT IN SYDNEY AND THROUGHOUT AUSTRALIA AND AN INDICATIN OF SOME OF THE ISSUES OF CURRENT INTEREST TO THE LEGAL PROFESSION HERE, SET FORTH BELOW IS BRIEF SYNOPSIS OF HOW THE LEGAL EDUCATION SYSTEMS WORK AND WHAT INSTITUTIONS ARE INVOLVED IN PROFESSIONAL ACTIVITIES.

9. LAW SCHOOL TRAINING AND ADMISSION TO PRACTICE: A TYPICAL STUDENT IN AUSTRALIA, AFTER GRADUATING FROM HIGH SCHOOL WOULD ENTER UNIVERSITY TO "STUDY LAW." HE COULD BEGIN HIS LAW STUDIES IMMEDIATELY AND COULD RECEIVE HIS LL.B. IN FOUR YEARS OF UNIVERSITY/LAW SCHOOL. THIS PATERN IS FOLLOWED BY ABOUT 30 PERCENT OF AUSTRALIAN LAW STUDENTS. AN ALTERNATIVE IS TO SPEND FIVE OR SIX YEARS AT THE UNIVERSITY, GAINING A B.A. IN, SAY (LIBERAL) ARTS, COMMERCE, ECONOMICS AFTER FOUR YEARS, AND GETTING THE LL.B. A YEAR OR TWO THEREAFTER. ABOUT 60 PERCENT OF STUDENTS WOULD ELECT THIS ALTERNATIVE. IT

IS RARE FOR A STUDENT TO GO FOR A SEVEN YEAR COURSE (WHICH IS THE NORM IN THE U.S.).
IN THE PAST, AFTER RECEIVING HIS LL.B., THE STUDENT HAS TO CLERK IN A FIRM FOR A PERIOD BEFORE BEING ADMITTED TO PRACTICE. HOWEVER, IN NSW, BECAUSE OF THE LACK OF LAW LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 CANBER 05109 02 OF 03 290736Z

FIRMS WHO COULD PROVIDE CLERKING TRAINING, ALL NSW LAW GRADUATES MUST INSTEAD PURSUE A SIX-MONTH COURSE AT THE NSW COLLEGE OF LAW. (IN OTHER STATES THIS IS AN ALTERNATIVE TO CLERKING). THIS ESSENTIALLY A PRACTICING INSTITUTE WHICH IS FUNDED BY THE GOVERNMENT. THEY ARE TAUGHT PRACTICAL SKILLS, BRIEF WRITING, INTERVIEWING, ETC. IN EFFECT, THEY RUN HYPOTHETICAL LAW OFFICES THAT DEAL WITH OTHER HYPOTHETICAL LAW OFFICES ON LEGAL CASES AND PROBLEMS. IT IS REALLY A UNIQUE APPROACH TO THE LEARNING OF LAW PRACTICE THAT HAS MUCH MERIT TO IT. AFTER GRADUATING FROM THE NSW COLLEGE OF LAW, THE LAW GRADUATE APPLIES TO THE LAW SOCIETY FOR A PRACTICE CERTIFICATE. THERE IS NO FURTHER BAR EXAMINATION REQUIRED FOR ADMISSION TO THE BAR AS IS THE CASE IN THE UNITED STATES. ONLY GRADUATION FROM THE NSW COLLEGE OF LAW IS NECESSARY. IN NSW HE WOULD GET ONLY A "QUALIFIED PRACTICE CERTIFICATE" WHICH WOULD PREVENT HIM FOR ONE YEAR FROM BEING A SOLE PRACTITIONER OR A PARTNER IN A FIRM. HE WOULD ALSO CONCURRENTLY APPLY TO THE COURT TO BE PUT ON THE ROLL OF SOLICITORS WHICH PERMITS HIM TO PRACTICE BEFORE THE COURTS.

10. PROFESSIONAL INSTITUTIONS AND BODIES: THE STATE LAW SOCIETIES (CALLED THE LAW INSTITUTE IN VICTORIA) ARE THE STATE LICENSING AND DISCIPLINARY AUTHORITIES WHICH ALL PRACTICING SOLICITORS MUST JOIN. THEY ARE COMPARABLE TO THOSE U.S. STATE BAR ASSOCIATIONS WHERE THERE IS A MANDATORY MEMBERSHIP REQUIREMENT AND MANDATORY ANNUAL DUES (E.G., THE D.C. BAR). HOWEVER, THEY ARE NOT INTEGRATED WITH THE COURTS AS IS THE CASE IN THE U.S. SO THAT THE ATTORNEY, AS NOTED ABOVE, MUST SEEK ADMISSION TO BOTH THE STATE LAW SOCIETY AND THE STATE COURT SYSTEM. WHILE SOLICITORS MAY LITIGATE CASES IN NSW, IT IS MORE LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 CANBER 05109 02 OF 03 290736Z

COMMON FOR A BARRISTER TO ACT IN COURT. THIS RESULTS IN A FURTHER COMPLICATION THAT THE BARRISTERS HAVE THEIR OWN MANDATORY ADMISSION/DISCIPLINARY BODY, CALLED THE STATE BAR ASSN.

THE YOUNG LAWYERS ARE A SECTION OF THE VARIOUS STATE LAW SOCIETIES AND ARE PROBABLY MORE INFLUENTIAL THAN ARE THE YOUNG LAWYERS SECTIONS IN AMERICAN STATE BAR ASSOCIATIONS AND IN THE ABA, BECAUSE ABOUT 70 PERCENT OF THE SOME 13,000 TOTAL SOLICITORS IN AUSTRALIA ARE YOUNG LAWYERS. MEMBERSHIP IN THE YOUNG LAWYERS, INCIDENTALLY, IS MANDATORY. IT IS NOT A ELECTIVE INTEREST AS WOULD BE MEMBERSHIP IN THE STATE BAR SOCIETY TAX SECTION OR PROBATE SECTION. EACH STATE BAR SOCIETY (AND THE BARRISTERS GROUP) SENDS A REPRESENTATIVE TO A NATIONAL ORGANIZATION CALLED THE LAW COUNCIL OF AUSTRALIA. THIS ORGANIZATION IS FUNDED BY PER CAPITA CONTRIBUTIONS FROM THE STATE BODIES. THE LAW COUNCIL OF AUSTRALIA PERFORMS SOME OF THE FUNCTIONS THAT ARE PERFORMED IN THE U.S. BY THE ABA IN THE SENSE THAT IT DOES A GOOD DEAL OF INVESTIGATION, RESEARCH AND RECOMMENDATIONS AS TO POLICY MATERS THAT ARE OF CONCERN TO LAWYERS THROUGHOUT AUSTRALIA. A CURRENT TOPIC UNDER REVIEW, FOR EXAMPLE, IS WHETHER LAWYERS FROM ONE STATE OUGHT TO BE ABLE TO PRACTICE IN ANOTHER STATE WITHOUT MEETING COMPLICATED RESIDENCE AND QUALIFICATIONS REQUIREMENTS. ANOTHER INSTITUTION THAT PERFORMS MANY OF THE RESEARCH AND POLICY FORMULATION FUNCTIONS THAT THE ABA PERFORMS IN THE U.S. IS THE LAW FOUNDATION. THE LAW FOUNDATION OF NSW IS FUNDED BY THE LAW SOCIETY'S TRUST DEPOSIT ACCOUNT INTEREST AND PERFORMS MUCH VALUABLE RESEARCH. THE LAW FOUNDATION DOES BASIC RESEARCH AND ANALYSIS OF THE STATE OF THE PROFESSION. THEY RECENTLY UNDERTOOK A SURVEY PROJECT ON THE LEGAL PROFESSION IN NSW, I.E., LEVELS OF SALARY, AREAS OF SPECIALIZATION, ETC., WHICH WAS PUBLISHED AS AN ANALYTICAL STUDY CALLED "LAWYERS AND THEIR WORK."

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 CANBER 05109 02 OF 03 290736Z

LIMITED OFFICIAL USE

NNN

LIMITED OFFICIAL USE

PAGE 01 CANBER 05109 03 OF 03 291549Z
ACTION JUSE-00

INFO OCT-01 EA-10 ISO-00 /011 W
-----090346 291724Z /41

R 290507Z JUN 78
FM AMEMBASSY CANBERRA
TO SECSTATE WASHDC 3672

LIMITED OFFICIAL USE SECTION 3 OF 3 CANBERRA 5109

A THIRD INSTITUTION THAT PERFORMS MANY OF THE INVESTIGATIVE AND REFORM FUNCTIONS THAT TAKE PLACE IN THE ABA IS THE LAW REFORM COMMISSION IN EACH STATE. THIS IS STAFFED BY PUBLIC SERVANTS AND FUNDED BY THE STATE GOVERNMENTS. THESE COMMISSIONS HAVE RECOMMENDED VARIOUS UNIFORM STATE LAWS SUCH AS THE LICENSING OF TRAVEL AGENTS. THEY ARE CURRENTLY INVESTIGATING THE LEVEL OF COMPETENCE OF PRACTICING LAWYERS. THERE IS ALSO A NATIONAL BODY - THE AUSTRALIAN LAW REFORM COMMISSION - HEADED BY THE VERY ABLE MR. JUSTICE MICHAEL KIRBY (WHO IS A MEMBER OF THE YOUNG LAWYERS SECTION HIMSELF). CURRENT ISSUES AT THE NATIONAL LEVEL INCLUDE A POLICY ON THE RIGHT TO PRIVACY, A UNIFORM DEFAMATION ACT AND A MODEL LAW ON THE TRANSPLANT OF HUMAN ORGANS.

11. SINCE PREPARATION OF ABOVE PARAS. FURTHER DISCUSSION HAVE BEEN HELD WITH INDIVIDUALS MENTIONED AND WITH MR. ROBERT NICHOLSON, SECRETARY GENERAL OF THE LAW COUNCIL OF AUSTRALIA AND FOLLOWING REVISIONS TO SUGGESTED SCHEDULE HAVE BEEN MADE:

A) EARLY VISIT TO SYDNEY WOULD BEST BE ON JULY 13 BECAUSE MR. KELLY WOULD PROBABLY LIKE TO ACCOMPANY ATTORNEY GENERAL BELL FOR HIS ACTIVITIES ON JULY 14.
B) MONDAY LUNCHEON WITH MEMBERS OF FACULTY OF NSW COLLEGE OF LAW HAS BEEN CHANGED TO A MORNING VISIT SO THAT MR. KELLY AND MEMBERS OF THE FACULTY WILL BE FREE
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 CANBER 05109 03 OF 03 291549Z

TO ATTEND THE LAW COUNCIL LUNCHEON THAT DAY WHERE ATTORNEY GENERAL BELL WILL BE SPEAKING ON U.S. TRADE PRACTICES REGULATION AND AUSTRALIAN TRADE.
SQUIRE

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 29 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978CANBER05109
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780269-0664
Format: TEL
From: CANBERRA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t1978069/aaaaahbn.tel
Line Count: 321
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 13c2e390-c288-dd11-92da-001cc4696bcc
Office: ACTION JUSE
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 CANBERRA 3931
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 28 apr 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2467231
Secure: OPEN
Status: NATIVE
Subject: VISIT TO AUSTRALIA BY THE ATTORNEY GENERAL - PROPOSED SYDNEY SCHEDULE FOR MR. KELLY
TAGS: OVIP, (BELL, GRIFFIN B)
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/13c2e390-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014